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Permanent Forum on Indigenous Issues
Sixth session
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Item 4 of the provisional agenda*
Implementation of recommendations on the six mandated areas of the Forum and on the Millennium Development Goals

Information received from Governments**

Switzerland

Summary

The present document contains comments by Switzerland on a number of recommendations made by the Permanent Forum at its fifth session. Switzerland stated that it endorsed most of the recommendations and provides information and comments on other recommendations.

* E/C.19/2007/1.
** The submission of the present report was delayed in order to include the most recent information.

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I. Introduction

1. The recommendations contained in the report of the Permanent Forum on Indigenous Issues on its fifth session[1] are consistent with good practices in the area of indigenous peoples' rights. Switzerland especially welcomes the fact that a rights-based approach is being progressively introduced.

2. Switzerland endorses most of the recommendations and puts forward comments on some recommendations and paragraphs.

II. Comments on recommendations made by the Permanent Forum at its fifth session[2]

Paragraph 4

3. Switzerland supports the observations contained in paragraph 4 as they are in conformity with the rights-based approach adopted by the Swiss Agency for Development and Cooperation for its development work. Although redefining the Millennium Development Goals at the present time would not be a useful exercise, States should consistently ensure the inclusion and participation of indigenous groups in order to facilitate more effective implementation of the goals. Similarly, in large-scale development projects that affect indigenous communities or that are undertaken on land that historically belongs to indigenous communities, there must be effective participation, consultation and prior agreement (namely, free and informed prior consent) by those communities before such projects can be implemented.

Paragraph 11

4. Switzerland recognizes the right of indigenous peoples to self-determination, but does not expressly recognize that right as linked to article 1 of the International Covenant on Civil and Political Rights. In general, Switzerland supports the overall thrust of the observation made in this paragraph.

Paragraph 15

5. Environmental sustainability, access to land and natural resources are key issues that have an impact on indigenous groups' enjoyment of their economic, social and cultural rights. The adoption of an indigenous policy by the United Nations Environment Programme, as has been done by the United Nations Development Programme (UNDP), would have a strong and positive impact on the rights of indigenous peoples worldwide.

Paragraph 19

6. Switzerland supports the progressive recommendations in paragraph 19. It should be noted, however, that Switzerland has not yet ratified Convention No. 169 of the International Labour Organization (ILO).

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[1] *Official Records of the Economic and Social Council, 2006, Supplement No. 23* (E/2006/43).

[2] Ibid., chap. I.B.

Paragraphs 24 and 25

7. There is a need for enforced mainstreaming of indigenous rights throughout the United Nations system and in the policies of international development organizations, so that a coherent framework underpins all strategies and processes supporting the integration of indigenous issues in the achievement of the Millennium Development Goals.

Paragraph 30

8. Switzerland supports this progressive recommendation, but would like to see it include specific references to indigenous women and children, to make it consistent with the legal framework provided by the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. This would also help to mainstream gender issues into all components of the Millennium Development Goals.

Paragraph 34

9. The private sector and multinational corporations must be aware of how their practices can have an impact on the lives and livelihoods of indigenous communities. However, with regard to access to genetic resources, related traditional knowledge and the sharing of the commercial and other benefits arising from their use, measures under patent law are being discussed at the international and national levels, including, in particular, requirements for patent applicants to disclose certain information in patent applications. Although Switzerland does not itself require the disclosure of sources in patent applications, it has submitted specific proposals on the disclosure of sources to the World Intellectual Property Organization, in order to support the process and in the interests of balanced patent protection for biotechnological inventions. More information on the proposals submitted by Switzerland are available at www.ige.ch/E/jurinfo/j105.shtm.

Paragraphs 36 and 37

10. The approach described in paragraphs 36 and 37 is fully supported by Switzerland. Country programmes targeted at the reduction and prevention of the spread of HIV/AIDS and its management must involve indigenous peoples. Special provisions should be made for raising awareness in indigenous communities and helping them to adopt sustainable and culturally sensitive practices for prevention and management of HIV/AIDS.

Paragraph 40

11. The recommendation is supported by Switzerland. Within the framework of its human rights strengthening programme, jointly run with the Office of the United Nations High Commissioner for Human Rights, UNDP has updated its policy on indigenous issues in only two countries, Ecuador and Kenya. It would be useful to obtain feedback from offices in those countries on how and whether the process has been successful, and whether outreach to more UNDP country offices is planned for the near future.

Paragraph 41

12. The enhancement of conflict prevention and peacebuilding capacities of indigenous peoples is extremely important to the understanding and prevention of localized conflicts. However, training on its own is often not enough. Communities should be supported to create indicators against which they can regularly monitor and report on local situations; they should also be able to draw attention to situations that risk spiralling out of control. An amended recommendation in that sense would be supported by Switzerland.

Paragraph 43

13. In its current form, the recommendation in paragraph 43 is confusing and needs further clarification. Switzerland has strong reservations concerning this paragraph. First of all, it is unclear whether it refers to private and/or public financial investments, and whether those investments are made by States or international organizations. Furthermore, it is not clear why reference is made exclusively to financial investments, given that there are other forms of investment that can affect the interests of indigenous peoples to a similar degree.

14. As far as trade agreements are concerned, the basic objective is that all measures in the social and environmental fields do not constitute hidden protectionism and that they are not contrary to the principle of national treatment. All measures taken in this field thus have to be consistent with the rules of the World Trade Organization, of which Switzerland is a member. Switzerland asks for clarifications on the creation, via the current formulation, of a possible form of conditionality in this field.

15. Regarding officially supported export credits, Switzerland follows the environmental guidelines ("common approaches") of the Export Credit Group of the Organization for Economic Cooperation and Development. The guidelines include the requirement that, before taking decisions on officially supported export credits, the members of the Group identify and evaluate the environmental impact of projects, including the impact on indigenous people. If an environmental impact assessment is needed, the applicant (in this case the exporter) is responsible for providing one.

Paragraph 57

16. This is an important recommendation. Youth plays a fundamental role in social development. Switzerland participates actively in the meetings of the Commission for Social Development, at which issues relating to the young, including indigenous children and youth, are discussed in depth. Switzerland has ratified ILO Conventions Nos. 138 (Minimum Age Convention) and 182 (Worst Forms of Child Labour Convention), and financially supports the ILO International Programme on the Elimination of Child Labour in Pakistan.

Paragraph 83

17. Switzerland has not yet ratified ILO Convention No. 169. An in-depth analysis of the implications of ratification of that Convention in relation to the Swiss travellers community has been carried out. Although the Convention has not been ratified, its principles have been included in the foreign policy of Switzerland, especially with regard to development cooperation.